

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DENNIS CHAVEZ,

Plaintiff,

v.

No. 13-cv-0557 WJ/SMV

**CITY OF ALBUQUERQUE, PATRICK FICKE,
JOE CHRISTMAN, GLEN STOUT,
DONALD LOPEZ, and SHANE TURPEN,**

Defendants.

ORDER GRANTING DEFENDANTS' MOTION TO STAY

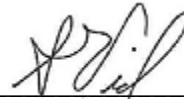
THIS MATTER is before the Court on Defendants' Motion for Stay of Discovery and Memorandum in Support [Doc. 22] ("Motion to Stay"), filed on December 12, 2013. Plaintiff responded on January 17, 2014. [Doc. 33]. Defendants replied on February 18, 2014. [Doc. 38]. Oral argument is not necessary because the motion can be decided on the briefing. The Court, having considered the briefing and relevant law, and being fully advised in the premises, finds that Defendants' Motion to Stay should be **GRANTED**.

Defendants filed their Motion to Stay contemporaneously with their Motion for Summary Judgment . . . on Qualified Immunity Grounds [Doc. 21] ("MSJ"). Plaintiff opposes the Motion to Stay and the MSJ because he argues that he is entitled to limited discovery under Fed. R. Civ. P. 56(d). [Docs. 28, 33]. Although Plaintiff has not filed a motion under Rule 56(d) requesting limited discovery, the Court construes his responses to the Motion to Stay and to the MSJ as such a request. *See* [Docs. 28, 33]. No further briefing is required on the Rule 56(d) request at this time, but oral argument will be set in the near future.

Subject to ruling on the Rule 56(d) request, the Court finds that Defendants are entitled to a stay pending final resolution of the MSJ by the presiding judge. *See Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985).

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Defendants' Motion for Stay of Discovery and Memorandum in Support [Doc. 22] is hereby **GRANTED**. Proceedings in this case are **STAYED**—subject to ruling on Plaintiff's Rule 56(d) request—pending ruling by the presiding judge on Defendants' Motion for Summary Judgment . . . on Qualified Immunity Grounds [Doc. 21].

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge